



Att'y Dkt. No.: 967039.00001
U.S. App. No.: 09/997,240

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YAN, et al.

Appl. No.: 09/997,240

Filing Date: November 30, 2001

Title: Isolated Homozygous Stem Cells, Differentiated
Cells Derived Therefrom, And Materials And
Methods For Making And Using Same

Art Unit: 1632

Examiner: Woitach, Joseph T.

Atty. Docket: 967039.00001

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☒2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☒c. Attached is our check no. _____ in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.

☐5. The document(s) was/were cited in a corresponding foreign application. ☒ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).

☐6. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. Other: _____

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622

Respectfully submitted,

REED SMITH LLP

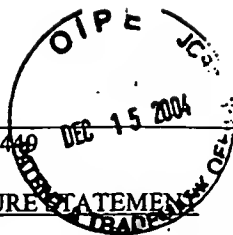
By: Toni-Judell Herbert
Toni-Judell Herbert *sch*
Reg. No. 34,348

Date: Dec. 15, 2004

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Suite 1100 – East Tower
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32256
PATENT TRADEMARK OFFICE

FORM PTO 1449



INFORMATION DISCLOSURE STATEMENT

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967039.00001

APPLICATION NO.

09/997,240

APPLICANT(S)

YAN et al.

FILING DATE

November 30, 2001

GROUP

1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AAI						
	ABI						
	ACI						
	ADI						
	AEI						
	AFI						
	AGI						
	AHI						
	AII						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	ALI						<input type="checkbox"/> Yes <input type="checkbox"/> No
	AMI						<input type="checkbox"/> Yes <input type="checkbox"/> No
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	AOI						<input type="checkbox"/> Yes <input type="checkbox"/> No
	API						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

76	AR	1	Campbell, K., et al., "Production of Live Lambs Following Nuclear Transfer of Cultures Embryonic Disc Cells," Theriogenology; 43: 181 (1995) (Abstract)
	AS	1	Cherny, R., et al., "Evidence of Pluripotency of Bovine Primordial Germ Cell-Derived Cell Lines Maintained in Long-Term Culture," Theriogenology; 41: 175 (1994).
	AT	1	Cibelli, J.B., et al., "Parthenogenetic Stem Cells in Nonhuman Primates," Science, 295:819 (2002).

EXAMINER

DATE CONSIDERED

3/30/05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

O I P E
DEC 15 2004

FORM PTO 1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	PATTY. DOCKET NO. 967039.00001	APPLICATION NO. 09/997,240
APPLICANT(S) YAN et al.		
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2					
	AB2					
	AC2					
	AD2					
	AE2					
	AF2					
	AG2					
	AH2					
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
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	AM2					<input type="checkbox"/> Yes <input type="checkbox"/> No
	AN2					<input type="checkbox"/> Yes <input type="checkbox"/> No
	AO2					<input type="checkbox"/> Yes <input type="checkbox"/> No
	AP2					<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

46	AR	2	Hole, N., et al., "Hematopoietic Differentiation of Embryonal Stem Cells in vitro," Gene Technology, ed. Zander, A. 3-11, Springer Verlag, Berlin.
1	AS	2	Hwang, W.S., et al., "Evidence of a Pluripotent Human Embryonic Stem Cell Line Derived from a Cloned Blastocyst," Reports, 303:1669 (2004).
1	AT	2	Kaufman, et al., "Establishment of Pluripotential Cell Lines from Haploid Mouse Embryos," J. Embryol. Exp. Morphol.; 73: 249-261 (1983).

EXAMINER	DATE CONSIDERED 3/30/07
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	AA3						
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	AP3						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

<i>C. 12</i>	AR	<u>3</u>	Mitalipov, S.M., "Parthenogenetic Activation of Rhesus Monkey Oocytes and Reconstructed Embryos," Biol. Reprod. 65:253-259 (2001).
<i>1</i>	AS	<u>3</u>	Mori, M., et al., "HLA Gene and Haplotype Frequencies in the North American Population: The National Marrow Donor Program Donor Registry," Transplantation; 64(7): 1017-1027 (1997).
<i>1</i>	AT	<u>3</u>	Pain, B., et al., "Long-Term In Vitro Culture and Characterisation of Avian Embryonic Stem Cells with Multiple Morphogenetic Potentialities," Development; 122: 2339-2348 (1996).

EXAMINER

Joe W. Wilson

DATE CONSIDERED

3/30/02

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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FOREIGN PATENT DOCUMENTS

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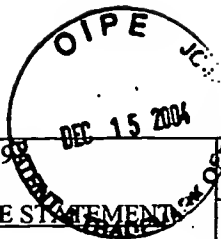
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	4	Sekirina, G. G., Ontogenez; 16(6): 583-588 (1985).
AS	4	Sims, J.E., et al., "Interleukin 1 Signaling Occurs Exclusively via the Type I Receptor," Proc. Natl. Acad. Sci. USA; 90: 6155-6159 (1993).
AT	4	Stice, S., et al., "Bovine Pluripotent Embryonic Cells Contribute to Nuclear Transfer and Chimeric Fetuses," Theriogenology; 41: 301 (1994).

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
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	AM4						<input type="checkbox"/> Yes <input type="checkbox"/> No
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	AO4						<input type="checkbox"/> Yes <input type="checkbox"/> No
	AP4						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	5	Taylor, A.S., et al., Hum. Reprod; 9(12): 2389-2397 (1994).
	AS	5	Vrana, K.E., et al., "Nonhuman primate parthenogenetic stem cells," PNAS, 100(1):11911-11916 (2003).
	AT	5	Zhuang, Z., et al., "A Microdissection Technique for Archival DNA Analysis of Specific Cell Populations in Lesions <1 mm in Size," American Journal of Pathology; 146(3): 620-625 (1995).

EXAMINER 	DATE CONSIDERED 3/30/05
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	